

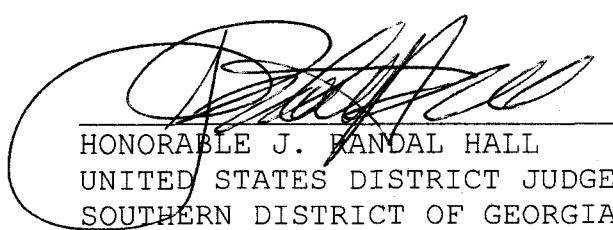
IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

BRIAN CHRISTOPHER HARRIS, \*  
\*  
Petitioner, \*  
\*  
v. \* CV 113-190  
\*  
UNITED STATES OF AMERICA, \*  
\*  
Respondent. \*

**O R D E R**

Presently pending before the Court is Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. (Doc. no. 1.) Having reviewed the motion, the Court determines that it was incorrectly docketed as a section 2255 motion.<sup>1</sup> Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** and **CLOSED**. The Court will address Petitioner's motion as Rule 35(b) motion in his criminal case, U.S. v. Harris, No. 1:09-cr-73, Doc. no. 424 (S.D. Ga.).

**ORDER ENTERED** at Augusta, Georgia, this 21<sup>st</sup> day of October, 2013.

  
HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

<sup>1</sup> Although petitioner used a section 2255 form, he unambiguously stated: "I'm seeking relief under Rule 35(b)" and "not attacking my sentence or conviction." (Id. at 12.)